

**REMARKS:**

In the outstanding Office Action, claims 1-17 were rejected. Claims 1, 2, 8-17 have been amended for clarification. New claims 18 and 19 have been added. Thus, claims 1-19 are pending and under consideration. No new matter has been added. The rejections are traversed below.

**REJECTION UNDER 35 U.S.C. §103(a):**

In the outstanding non-final Office Action, the Examiner rejected claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,477,533 (Schiff), U.S. Patent No. 5,948,040 (DeLorme) and U.S. Patent No. 6,266,648 (Baker).

Schiff discusses maintaining client relationships by tracking and managing customers and agents involved in booking a cruise. In Schiff, an agent provides a number of selectable criteria for cruises and assists a customer in making a decision as to which cruise to book (see, col. 20, lines 36-48). A reservation made by the agent for a particular cruise when the customer has expressed interest remains open over a predetermined period of time (see, col. 20 and lines 58-65), and the agent remains the agent of record based on rules governed by different time periods (see, col. 21, lines 34-67). That is, time periods and incentives in Schiff are related to maintaining a relationship between an agent and a customer.

The Examiner acknowledges that Schiff does not disclose that discounts are related to a time period during which the reservation is made, but relies on DeLorme as teaching the same. In DeLorme, a user is presented with available special offers or tickets responsive to the user specifying a particular service (see, column 50, lines 27-35). As shown in FIG. 5D of DeLorme, a user is provided with special offers, such as discounted meals, after the user has specified a date and time for a particular service (see, col. 50, lines 40-44). Thus, DeLorme does not present discount services defined at different time periods to enable a user to choose therefrom (i.e., the user of DeLorme may not be notified of other special offers besides those within the user specified time/date).

The Examiner also asserts that Baker discloses providing benefits and discounts including reservations, time restrictions and conditions to consumers. Baker provides available discounts and benefits to consumers and indicates time restrictions and special conditions applicable to such discounts and benefits (see, col. 1, lines 55-62 and col. 5, lines 35-45). However, Baker is limited to tracking time restrictions and conditions during which the discounts

and benefits are available to provide the same to the customers.

In contrast, the present invention determines terms of a transaction based on calculation of factors affecting the transaction. For example, terms of a transaction depends on weather conditions (i.e., rainy day, etc.) that may affect the likelihood of a customer coming into a store and executing a transaction (see, FIGS. 4A-4C and FIG. 7 of the present application). This allows the present invention to conveniently provide terms of a transaction (discount services) that are defined based on factors affecting the transaction and reflecting temporarily changing conditions, thereby eliminating, for example, the need to define discount offers/sales for each momentarily changing condition.

As recited in independent claims 1, 2, 8-12 and 15-17 as amended, the present invention determines terms of a transaction “based on calculation results of factors affecting the transaction” (“discount services” in claim 2).

Independent claims 13 and 14 also recite, “presenting bargain data in relation to the transaction target, the bargain data presented reflecting temporary time dependent changes and based on calculation results of factors affecting a transaction in relation to the transaction target”. The combination of Schiff, DeLorme and Baker does not teach or suggest, determining terms for a transaction “based on calculation results of factors affecting a transaction in relation to the transaction target”, as recited in independent claims 13 and 14.

It is respectfully submitted that the independent claims 1, 2 and 8-17 are patentable over the combination of Schiff, DeLorme and Baker.

For at least the above-mentioned reasons, claims depending from independent claims 1, 2 and 8-16 are patentably distinguishable over the combination of Schiff, DeLorme and Baker. The dependent claims are also independently patentable. For example, as recited in claim 3, determination of the terms for a transaction includes “determining terms for a transaction based on the state of the transaction reservation”. The combination of Schiff, DeLorme and Baker method does not teach or suggest, determining terms for a transaction includes defining the terms for the transaction “based on the state of the transaction reservation” (claim 3) and “determining terms for a transaction for each time period based on calculation results of factors affecting the transaction” (claim 2 upon which claim 3 depends).

Therefore, withdrawal of the rejection is respectfully requested.

**NEW CLAIMS:**

New claim 18 is added to highlight that the present invention includes, "defining factors to be considered in relation to the transaction to estimate a number of prospective customers to request the transaction offered at the store" and "defining a discount service which is to be presented to customers when a difference between the number of prospective customers and a target number of customers is less than a predetermined number", where "a reservation for the transaction [is accepted] based on displayed discount service".

New claim 19 is added to recite a method of accepting a transaction reservation including "adjusting a discount for a transaction based on factors that affect a likelihood of an occurrence of the transaction" and "accepting the transaction reservation at the discount".

It is respectfully asserted that new claims 18 and 19 are patentably distinguishable over the cited references.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

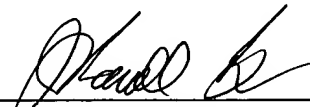
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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